

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MARK A. CARFAGNO,**  
2732 Plover Street  
Philadelphia, PA 19153

**and**

**KATHERINE M. CARFAGNO**  
2732 Plover Street  
Philadelphia, PA 19153

**Plaintiffs,**

**V.**

**THE PHILLIES,**  
**One Citizens Bank Way,**  
**Philadelphia, PA 19148**

**Defendant.**

[illegible]

## CIVIL ACTION

**NO. 06-3737**

## JURY TRIAL DEMANDED

**PLAINTIFFS' RULE 26(a) INITIAL DISCLOSURES**

Pursuant to Rule 26(a) of the Federal Rules of Civil Procedure, Plaintiffs Mark A. and Katherine M. Carfagno herein submit their required initial disclosures.

A. Plaintiffs identify the individuals listed below as witnesses who, in addition to Plaintiffs, are likely to have information that Plaintiffs may use to support their claims or defenses. Plaintiffs reserve the right to supplement this witness list with the names of additional witnesses at such time as Plaintiffs learn such information.

1. Greg Winter

Address: 117 Heritage Road  
Sewell, NJ 08080

Telephone number: 856-464-2456

Mr. Winter has information regarding his observations of Michael Boekholder's discriminatory attitude toward Plaintiff Mark Carfagno.

2. Fran Dunn

Address: 701 6<sup>th</sup> Avenue  
Folsom, PA 19033

Telephone Number: 610-543-1081

Mr. Dunn has information regarding Mr. Boekholder's discriminatory actions and attitude toward Plaintiff Mark Carfagno.

3. Joseph J. McFadden, Jr.

Address: 1202 Angora Drive  
Yeadon, PA 19050

Telephone number: 610-622-1673

Mr. McFadden has information regarding Mr. Boekholder's discriminatory actions and attitude toward Plaintiff Mark Carfagno.

4. Nicholas Busillo, M.D.

Address: 3001A Garrett Road  
Drexel Hill, PA 19026

Telephone Number: 610-789-4033

Dr. Busillo is likely to have discoverable information regarding the diagnosis and treatment of Plaintiff Mark Carfagno for depression and anxiety, and resultant additional medical problems, and Plaintiff Mark Carfagno's fitness to return to work in 2004 through the present.

5. Kalpana Prasad, M.D.

Address: Crozer Chester Medical Center  
One Medical Center Boulevard  
Upland, PA 19013

Telephone Number: 610-874-5257

Dr. Prasad is likely to have discoverable information regarding the diagnosis and treatment of Plaintiff Mark Carfagno for major depressive disorder and panic disorder and his fitness to return to work in 2004 through the present.

6. Edward Silver, MSW ACSW

Address: Philadelphia Well Being Institute  
2475 Napfle Street  
Philadelphia, PA 19152

Telephone Number: 215-332-6996

Dr. Silver is likely to have discoverable information regarding the diagnosis of Plaintiff Mark Carfagno for anxiety and depression.

7. Stanley H. Shrom, M.D.

Address: 3001 Garrett Road  
Drexel Hill, PA 19026

Telephone number: 610-626-7915

Dr. Shrom is likely to have discoverable information regarding the effect that Mr. Carfagno's psychotropic medications have had on his urinary problems.

8. Steven Mandel, M.D.

Address: 1015 Chestnut Street  
Suite 810  
Philadelphia, PA 19107

Telephone number: 215-574-0075

Dr. Mandel is likely to have discoverable information regarding neurological issues related to Mr. Carfagno's anxiety and depression.

9. Julius Guarino, M.D.

Address: Manoa Medical Center  
1010 West Chester Pike  
Suite 202  
Havertown, PA 19083

Telephone number: 610-789-3510

Dr. Guarino is likely to have discoverable information regarding Mr. Carfagno's gastrointestinal problems associated with his anxiety and depression.

10. Robert Toborowsky, M.D.

Address: Pennsylvania Hospital  
Hall Mercer CMH/MRC Room 319  
Eighth and Locoust Street  
Philadelphia, PA 19107

Telephone number: 215-829-5206

Dr. Toborowsky will provide expert testimony regarding Plaintiff Mark Carfagno's psychiatric condition and the emotional distress caused by Mr. Carfagno's termination by The Phillies.

11. Sharon Valentine

Address: 11 Holbrook Road  
Havertown, PA 19083

Telephone number: 610-446-4661

Ms. Valentine is likely to have discoverable information regarding the effect on Mr. Carfagno of Defendant's discriminatory conduct and unauthorized publication of Mr. Carfagno's name and likeness.

12. Angela Carfagno

Address: 6124 Hilltop Drive  
Brookhaven, PA 19015

Telephone number: 610-874-3085

Ms. Carfagno is likely to have discoverable information regarding the effect on Mr. Carfagno of Defendant's discriminatory conduct and unauthorized publication of Mr. Carfagno's name and likeness.

13. Richard Allen

Address: The Phillies  
Citizens Bank Park  
Philadelphia, PA 19148

Mr. Allen is likely to have discoverable information regarding the effect on Mr. Carfagno of Defendant's discriminatory conduct and unauthorized publication of Mr. Carfagno's name and likeness.

14. Jay Johnstone

Address: 1104 W. Magnolia Boulevard  
Burbank, CA 91506

Telephone number: 616-260-5554

Mr. Johnstone is likely to have discoverable information regarding the effect on Mr. Carfagno of Defendant's discriminatory conduct and unauthorized publication of Mr. Carfagno's name and likeness.

15. Larry Christensen

Telephone: 610-296-6303

Mr. Christensen is likely to have discoverable information regarding the effect on Mr. Carfagno of Defendant's discriminatory conduct and unauthorized publication of Mr. Carfagno's name and likeness.

16. Lawrence Conti

Address: 7625 Brocklehurst Street  
Philadelphia, PA 19152

Telephone number: 215-680-7353

Mr. Conti is likely to have discoverable information regarding the effect on Mr. Carfagno of Defendant's discriminatory conduct and unauthorized publication of Mr. Carfagno's name and likeness.

17. Joseph McGowan

Address: 3505 Tuscany Drive  
Philadelphia, PA 19145

Telephone number: 215-983-9280

Mr. McGowan is likely to have discoverable information regarding the effect on Mr. Carfagno of Defendant's discriminatory conduct and unauthorized publication of Mr. Carfagno's name and likeness.

18. Samuel Paranzino

Address: 1202 Mollbore Terrace  
Philadelphia, PA 19148

Telephone number: 215-219-9843

Mr. Paranzino is likely to have discoverable information regarding the effect on Mr. Carfagno of Defendant's discriminatory conduct and unauthorized publication of Mr. Carfagno's name and likeness.

19. Thomas DeFelice

Address: 112 Juniper Court  
Glenn Mills, PA 19342

Telephone number: 610-358-9573

Mr. DeFelice is likely to have discoverable information regarding the effect on Mr. Carfagno of Defendant's discriminatory conduct and unauthorized publication of Mr. Carfagno's name and likeness.

20. Michael Rawlings

Address: 1616 W. Lynn Drive  
West Chester, PA 19382

Telephone number: 610-547-3109

Mr. Rawlings is likely to have discoverable information regarding the effect on Mr. Carfagno of Defendant's discriminatory conduct and unauthorized publication of Mr. Carfagno's name and likeness.

21. Robert Dougherty

Address: 36 McGregor Court  
Turnersville, NJ 08012

Telephone number: 856-228-2690

Mr. Dougherty is likely to have discoverable information regarding the effect on Mr. Carfagno of Defendant's discriminatory conduct and unauthorized publication of Mr. Carfagno's name and likeness.

22. Francis O'Kane

Address: 35 Davis Avenue  
Broomall, PA 19008

Telephone number: 610-359-9514

Mr. O'Kane is likely to have discoverable information regarding the effect on Mr. Carfagno of Defendant's discriminatory conduct and unauthorized publication of Mr. Carfagno's name and likeness.

23. Joseph Murrow

Address: 2549 Ashford Street  
Philadelphia, PA 19153

Telephone number: 215-365-4896

Mr. Murrow is likely to have discoverable information regarding the effect on Mr. Carfagno of Defendant's discriminatory conduct and unauthorized publication of Mr. Carfagno's name and likeness.

24. Dennis Pellegrino

Address: 1822 5<sup>th</sup> Avenue  
Folsom, PA 19033

Telephone number: 610-522-0427

Mr. Pellegrino is likely to have discoverable information regarding the effect on Mr. Carfagno of Defendant's discriminatory conduct and unauthorized publication of Mr. Carfagno's name and likeness.

25. James Huggard

Address: 1601 Radcliffe Court  
Newtown Square, PA 19073

Telephone number: 610-296-8682

Mr. Huggard is likely to have discoverable information regarding the effect on Mr. Carfagno of Defendant's discriminatory conduct and unauthorized publication of Mr. Carfagno's name and likeness.

26. Daniel Harrell

Address: 104 Madison Avenue  
Prospect Park, PA 19076

Telephone number: 610-522-8243

Mr. Harrell is likely to have discoverable information regarding the effect on Mr. Carfagno of Defendant's discriminatory conduct and unauthorized publication of Mr. Carfagno's name and likeness.

27. Bishop Joseph McFadden



Address: Philadelphia Archdiocese  
222 North 17<sup>th</sup> Street  
Philadelphia, PA 19103

Telephone number: 215-965-8280

Bishop McFadden is likely to have discoverable information regarding the effect on Mr. Carfagno of Defendant's discriminatory conduct and unauthorized publication of Mr. Carfagno's name and likeness.

28. Walter Stankus

Address: 5724 Weymouth Street  
Philadelphia, PA 19120

Telephone number: 215-742-8391

Mr. Stankus is likely to have discoverable information regarding the effect on Mr. Carfagno of Defendant's discriminatory conduct and unauthorized publication of Mr. Carfagno's name and likeness.

29. Jerry LaRosa, Jr.

Address: 2522 South Mole Street  
Philadelphia, PA 19145

Telephone number: 267-243-3889

Mr. LaRosa is likely to have discoverable information regarding the effect on Mr. Carfagno of Defendant's discriminatory conduct and unauthorized publication of Mr. Carfagno's name and likeness.

30. William Hall

Address: 138 Frog Hollow Road  
Churchville, PA 18966

Telephone number: 215-357-5189

Mr. Hall is likely to have discoverable information regarding the effect on Mr. Carfagno of Defendant's discriminatory conduct and unauthorized publication of Mr. Carfagno's name and likeness.

31. Michael Boekholder

Mr. Boekholder is likely to have among other things, discoverable information about his treatment of Plaintiff Mark Carfagno, his supervision of the groundskeepers, Mr. Carfagno's job performance, the circumstances surrounding the termination of Mr. Carfagno's employment, Mr. Carfagno's complaints about him and related matters.

32. Michael Stiles

Mr. Stiles is likely to have discoverable information about Plaintiff Mark Carfagno's job performance, Michael Boekholder's job performance, Mr. Carfagno's complaints about Mr. Boekholder, the circumstances surrounding the termination of Mr. Carfagno's employment, the job responsibilities of the grounds crew, and related matters.

33. David Montgomery

Mr. Montgomery is likely to have discoverable information about Plaintiff Mark Carfagno's job performance, Michael Boekholder's job performance, Mr. Carfagno's complaints about Mr. Boekholder and the circumstances surrounding the termination of Mr. Carfagno's employment.

34. Michael DiMuzio

Mr. DiMuzio is likely to have discoverable information about Plaintiff Mark Carfagno's job performance, Michael Boekholder's job performance, Mr. Carfagno's

complaints about Mr. Boekholder, the circumstances surrounding the termination of Mr. Carfagno's employment, the job responsibilities of the grounds crew, and related matters.

35. Dickie Noles

Mr. Noles is likely to have discoverable information about Plaintiff Mark Carfagno's complaints about Mr. Boekholder and the circumstances surrounding the termination of Mr. Carfagno's employment.

B. Plaintiffs identify the categories of documents, data compilations and tangible things listed below that are in the custody of Plaintiffs that Plaintiffs may use to support their claims or defenses. Plaintiffs reserve the right to supplement this list at such time as Plaintiffs obtain further information.

1. Documents relating to the charge that Plaintiff Mark Carfagno filed with the Philadelphia Commission on Human Relations and the Equal Employment Opportunity Commission.

2. Documents relating to Plaintiff Mark Carfagno's medical condition and treatment.

3. Documents relating to Plaintiff Mark Carfagno's denial of workers compensation.

4. Documents relating to Plaintiff Mark Carfagno's application for, and denial of, short-term disability benefits.

5. Documents relating to Plaintiff Mark Carfagno's application for, and receipt of, long-term disability benefits.

6. Documents relating to Plaintiff Mark Carfagno's application for, and receipt of, Social Security Disability Insurance.

7. Documents relating to Plaintiff Mark Carfagno's application for unemployment compensation.

8. Documents relating to Plaintiff Mark Carfagno's pension.

9. Documents relating to Plaintiff Mark Carfagno's termination by the Phillies.

10. DVDs, books and other promotional media in which Plaintiff Mark Carfagno appears which was made available to the public by Defendant or with Defendant's authorization following Plaintiff Mark Carfagno's termination.

11. Correspondence from Plaintiff Katherine Carfagno to David Montgomery.

12. Correspondence from Defendant to Plaintiff Mark Carfagno regarding his employment status.

13. Articles/media containing references to Plaintiff Mark Carfagno during his employment with the Phillies.

14. Correspondence from Plaintiff Mark Carfagno to the Mummars regarding his resignation.

#### C. Computation of Damages

Plaintiffs are seeking damages for back pay and benefits, front pay and benefits, compensatory damages, lost profits/commissions, punitive damages, attorney's fees and costs. Plaintiffs' damages are expected to be in excess of

\$100,000 but they are currently in the process of locating an expert to more accurately assess the damages in the case.

D. Insurance Agreements.

Not applicable.

NANCY O'MARA EZOLD, P.C.

By: s/Jacqueline Woolley/JMW0649

NANCY O'MARA EZOLD

Attorney No. 32152 (PA)

JACQUELINE M. WOOLLEY

Attorney No. 69442 (PA)

One Belmont Avenue, Suite 501

Bala Cynwyd, PA 19004

Attorneys For Plaintiffs

Date: September 21, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Plaintiffs' Rule 26(a) Initial Disclosures was filed electronically and is available for viewing and downloading from the ECF system of the United States District Court for the Eastern District of Pennsylvania, and that I served the same on this day upon the following via hand delivery:

Richard L. Strouse, Esquire  
Ballard Spahr Andrews & Ingersoll, LLP  
1735 Market Street, 51<sup>st</sup> Floor  
Philadelphia, Pennsylvania 19103-7599

Date: September 21, 2006

s/Jacqueline Woolley/JMW0649  
Jacqueline M. Woolley